

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

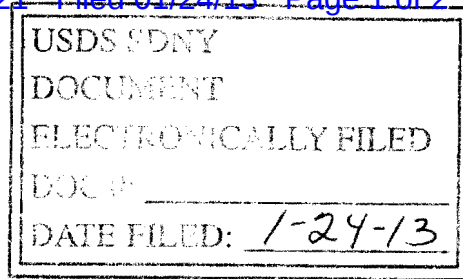
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JULIO PEREZ,

Plaintiff,

-against-

ERIC HOLDER, JR., et al., ,

Defendants.
-----x



11 Civ. 5029 (PKC)(JCF)

ORDER ADOPTING REPORT
AND RECOMMENDATION

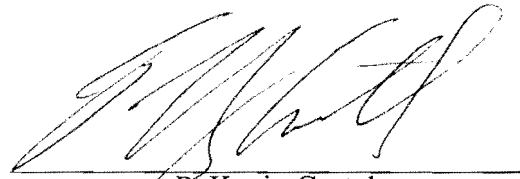
P. KEVIN CASTEL, District Judge:

Magistrate Judge James C. Francis IV, to whom this case was referred for general pretrial supervision, issued a Report and Recommendation, dated January 31, 2012, which recommended that the action be dismissed as moot (the "R & R").

The R & R advised the parties that they had 14 days from service of the R & R to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. As of the date of this Order, no objections have been filed and no request for an extension of time to object has been made. The R & R expressly called plaintiff's attention to Rule 72(b), Fed. R. Civ. P., and 28 U.S.C. § 636(b)(1). Plaintiff received clear notice of the consequences of the failure to object and has waived the right to object to the R & R or obtain appellate review. See Frank v. Johnson, 968 F.2d 298, 300 (2d Cir.), cert. denied, 506 U.S. 1038 (1992). See also Caidor v. Onondaga County, 517 F.3d 601 (2d Cir. 2008).

The R & R is adopted and the action is dismissed. The Clerk is directed to enter judgment for the defendants. This Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and *in forma pauperis* status is denied. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
January 23, 2013